

Message

Sent: 4/4/2019 7:28:03 PM
To: Adams, Adam [Adams.Adam@epa.gov]
CC: Peycke, Mark [Peycke.Mark@epa.gov]; Banipal, Ben [banipal.ben@epa.gov]; Johnson, Lydia [johnson.lydia@epa.gov]; Crossland, Ronnie [Crossland.Ronnie@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Petersen, Chris [petersen.chris@epa.gov]
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Edwin Quinones
Assistant Regional Counsel
US EPA Region 6, 6RC-S
1445 Ross Ave.
Dallas, TX 75202
(214) 665-8035

From: Adams, Adam
Sent: Thursday, April 04, 2019 2:10 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Peycke, Mark <Peycke.Mark@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Johnson, Lydia <johnson.lydia@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Petersen, Chris <petersen.chris@epa.gov>
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Attorney Client / Ex. 5

Sent from my iPhone

On Apr 4, 2019, at 1:45 PM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

FYI

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From: Quinones, Edwin
Sent: Thursday, April 04, 2019 1:45 PM
To: 'molly.cagle@bakerbotts.com' <molly.cagle@bakerbotts.com>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: RE: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Hi All,

I'm attaching the latest draft AOC with changes to Paragraphs 10 and 11. In order to lay a predicate for jurisdictional authority purposes, I included listed haz substances in Paragraph 10.

Also, I've been told by others that the prepayment amount of \$50,000 included in Paragraph 40 may not be sufficient. I'll let you know of a new figure once they calculate that.

In the meantime, we continue to work on the proposed SOW. Counsel for TCEQ called yesterday afternoon expressing concern over our negotiations and more specifically the issue of disposal of collected wastewater. I'm not sure TCEQ would approve the proposed language found in Item 5 of the proposed SOW.

Edwin Quinones
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From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 2:13 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com; Scott.Janoe@BakerBotts.com; MGaudet@item.com
Subject: Re: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA Statement of Work EPA Section 311 ITC Proposed Revisions

Preliminary comment on para 10. Can you strike the for example list? I don't believe all of these have been found in the ship channel and the second sentence ties to the first. So, the discharge included hazardous substance. Period.

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On Apr 3, 2019, at 11:47 AM, Quinones, Edwin <quinones.edwin@epa.gov> wrote:

Thanks, Molly. I'm attaching another draft (EPA's 3rd internal) draft incorporating comments from Region 6 staff. The minor edits include correcting some of the Chapter numbering and Chapter references, and correcting "Respondents" to "Respondent." The substantive edit can be found in Paragraph 10, third sentence (Findings of Fact). Again, R6 management has yet to review and approve.

We're still working on comments to the proposed SOW and will get back to you on that.

Edwin Quinones
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From: molly.cagle@bakerbotts.com <molly.cagle@bakerbotts.com>
Sent: Wednesday, April 03, 2019 10:26 AM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: aileen.hooks@bakerbotts.com; matthew.kuryla@bakerbotts.com;
Scott.Janoe@BakerBotts.com; MGaudet@iterm.com
Subject: 2019.04.02 CERCLA Statement of Work ITC Draft and 2019.04.02 CERCLA
Statement of Work EPA Section 311 ITC Proposed Revisions

Ed,

Here is a draft Statement of Work, and like your draft AOC, not reviewed by client, but gets us started.
What time works for a call?

Best, Molly

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<ITC Removal AOC 3rd draft AA and DC comments 4-3-19.doc>

<ITC Removal AOC 5th draft MC comments 4-4-19.doc>